



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
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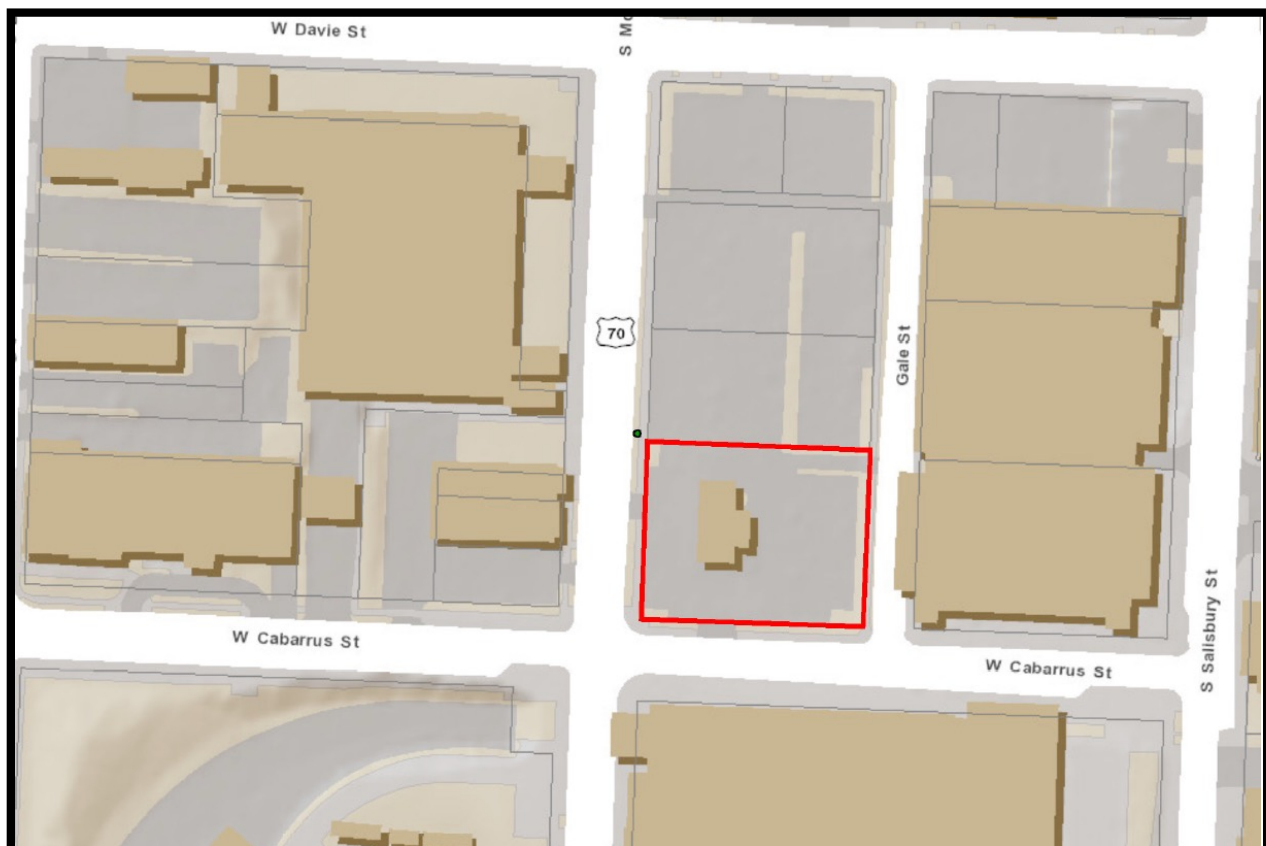
Case File: A-7-17

Property Address: 423 S. McDowell Street

Property Owner: RALDT, LLC

Project Contact: Michael Birch

Nature of Case: A request for a 3 foot variance to the minimum side and rear lot line setbacks of either 0' or 6' for mixed-use buildings set forth in Section 3.2.6.B. of the Unified Development Ordinance that results in a 3' side and rear setback adjacent to the lot immediately north of the property on a .57 acre property zoned Downtown Mixed-Use-20-Shopfront and located at 423 S. McDowell Street.



423 S. McDowell Street – Location Map

To BOA: 1-9-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING
DISTRICTS: Downtown Mixed-use-20 Shopfront



423 S. McDowell Street – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Downtown Mixed-use-20 Shopfront.

Downtown Mixed Use:

<u>Yard Type</u>	<u>Minimum Setback</u>
Primary Street	3'
Side Street	3'
Side	0' or 6'
Rear	0' or 6'

Shopfront:

Primary Street Build-to (min/max) 0'/15'

Building width in primary build-to (min) 80%

Side Street Build-to (min/max) 0'/15'

Building width in primary build-to (min) 40%